

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

JAMES LAURENT,

Plaintiff,

v.

CIV 11-0721 BB/KBM

L. BURBANK,

Defendant.

ORDER SHOW CAUSE

This *pro se* prisoner civil rights matter is before the Court *sua sponte*. The deadline for Plaintiff's response to the *Martinez* Report has passed, *see Doc. 19*, yet Plaintiff filed a letter regarding payments and a notice of change of address after the *Martinez* Report was filed, *see Docs. 22-24*. Counsel for Defendant mailed the *Martinez* Report to Plaintiff's previous address. Plaintiff may have been in transit when Defendant mailed the report, and did not receive the mailing after transfer to a new facility. On the other hand, more than two months has passed since the deadline for filing the *Martinez* Report, and Plaintiff has not raised a question why Defendants did not timely serve him.

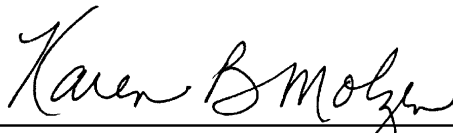
The Court has the inherent power to impose a variety of sanctions on litigants in order to, among other things, regulate its docket and promote judicial efficiency. *Martinez v. Internal Revenue Service*, 744 F.2d 71, 73 (10th Cir. 1984). One such sanction within the discretion of the Court is to dismiss an action for want of prosecution. *E.g., Nat'l Hockey League v. Metro. Hockey Club, Inc.*, 427 U.S. 639, 642-43(1976); *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-30

(1962); *see also Costello v. United States*, 365 U.S. 265, 286-87 (1961) (district court may dismiss *sua sponte* for failure to comply with order of court); *United States ex rel. Jimenez v. Health Net, Inc.*, 400 F.3d 853, 855 (10th Cir. 2005) (“We . . . dismiss the appeal *sua sponte* as to both Appellants for lack of prosecution as reflected by their failure to respond to our order requiring a timely status report to prevent dismissal. . . . Dismissal of the appeal is a strong sanction to be sure, but it is no trifling matter for Appellants to abuse our office by disappearing and failing to meet our deadlines. The federal courts are not a playground for the petulant or absent-minded; our rules and orders exist, in part, to ensure that the administration of justice occurs in a manner that most efficiently utilizes limited judicial resources.”).

Based on what may be a failure to comply with the Court’s order and the lack of activity in this case, Plaintiff will be required to show cause why this case should not be dismissed. If counsel for Defendant are aware of the circumstances surrounding whether the *Martinez* Report was delivered and received, they should notify the Court of the same.

Wherefore,

IT IS HEREBY ORDERED that by Friday, October 19, 2012, the parties file their responses to this order.

A handwritten signature in cursive script, reading "Karen B. Moynihan". The signature is written in black ink and is positioned above a horizontal line.

UNITED STATES CHIEF MAGISTRATE JUDGE